



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

sent via email and regular mail

November 29, 2023

Mr. Michael Berg
Environmental Supervisor
Coteau Properties Company
204 County Rd. 15
Beulah, ND 58523
Michael.Berg@nacoal.com

Dear Mr. Berg:

This is to inform you of the Commission's November 29th approval of Bond Release No. 3 to Surface Coal Mining Permit NACT-9501 at the Freedom Mine, PSC Case No. RC-22-285. Final bond release has been approved for 343.03 acres of land located in a portion of Section 22 of T146N, R88W, Mercer County. The bond release will become effective January 2, 2024, unless a formal hearing is requested.

The consolidated bond amount at the Freedom Mine will not be reduced due to continued mining and reclamation operations at the Freedom Mine. Self and Collateral Bond Riders, Forms SFN-19152 and SFN-19366 may be submitted after January 2, 2024 to reduce the bond area, if a formal hearing is not requested.

Enclosed is the original bond release award form. If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer
Director
Reclamation Division

Enclosure

cc w/enclosure via email only: Sarah Flath (Sarah.Flath@nacoal.com)
Dillon Belisle (Dillon.Belisle@Nacoal.com)
Rylan Sundsbak (Rylan.Sundsbak@nacoal.com)

Freedom Mine\Permits\NACT - 9501\Bond Release\Bond Release 3\BR3_AL_11-29-23



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November 29, 2023

Mercer County Commissioners
Mercer County Courthouse
410 Van Slyck Ave.
PO Box 39
Stanton, ND 58571

Dear Commissioners:

This is to inform you of the Commission's November 29th approval of Bond Release No. 3 to Surface Coal Mining Permit NACT-9501 at the Freedom Mine, PSC Case No. RC-22-285. Final bond release has been approved for 343.03 acres of land located in a portion of Section 22 of T146N, R88W, Mercer County. This property is owned by the Coteau Properties Company and consists of 183.2 acres of reclaimed native grassland that includes two stock ponds totaling 1.2 acres, and 158.63 acres that were not affected by mining activities.

The bond release will become effective January 2, 2024, unless a formal hearing is requested. The consolidated bond amount at the Freedom Mine will not be reduced due to continued mining and reclamation operations at the Freedom Mine.

Enclosed is a copy of the bond release award form. If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer
Director
Reclamation Division

Enclosure



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November 29, 2023

Mr. Sean Cheatley
Mayor
120 Central Ave N
P.O. Box 910
Beulah, ND 58523-0910
BeulahNDMayor@gmail.com

Dear Mayor:

This is to inform you of the Commission's November 29th approval of Bond Release No. 3 to Surface Coal Mining Permit NACT-9501 at the Freedom Mine, PSC Case No. RC-22-285. Final bond release has been approved for 343.03 acres of land located in a portion of Section 22 of T146N, R88W, Mercer County. This property is owned by the Coteau Properties Company and consists of 183.2 acres of reclaimed native grassland that includes two stock ponds totaling 1.2 acres, and 158.63 acres that were not affected by mining activities.

The bond release will become effective January 2, 2024, unless a formal hearing is requested. The consolidated bond amount at the Freedom Mine will not be reduced due to continued mining and reclamation operations at the Freedom Mine.

Enclosed is a copy of the bond release award form. If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer
Director
Reclamation Division

Enclosure

Freedom Mine\Permits\NACT - 9501\Bond Release\Bond Release 3\BR3_AL_11-29-23



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State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

sent via certified mail

November 29, 2023

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Jerry Obenauer
Commission President
146 Main Street E
P.O. Box 717
Hazen, ND 58545-0717

Dear Commission President:

This is to inform you of the Commission's November 29th approval of Bond Release No. 3 to Surface Coal Mining Permit NACT-9501 at the Freedom Mine, PSC Case No. RC-22-285. Final bond release has been approved for 343.03 acres of land located in a portion of Section 22 of T146N, R88W, Mercer County. This property is owned by the Coteau Properties Company and consists of 183.2 acres of reclaimed native grassland that includes two stock ponds totaling 1.2 acres, and 158.63 acres that were not affected by mining activities.

The bond release will become effective January 2, 2024, unless a formal hearing is requested. The consolidated bond amount at the Freedom Mine will not be reduced due to continued mining and reclamation operations at the Freedom Mine.

Enclosed is a copy of the bond release award form. If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer
Director
Reclamation Division

Enclosure

Freedom Mine\Permits\NACT - 9501\Bond Release\Bond Release 3\BR3_AL_11-29-23



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State of North Dakota

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Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

sent via regular mail

November 29, 2023

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Mr. Jeffrey Fleischman, Chief
Denver Field Division
150 East B Street
PO Box 11018
Casper, WY 82601-7032
jfleischman@osmre.gov

Dear Mr. Fleischman:

This is to inform you of the Commission's November 29th approval of Bond Release No. 3 to Surface Coal Mining Permit NACT-9501 at the Freedom Mine, PSC Case No. RC-22-285. Final bond release has been approved for 343.03 acres of land located in a portion of Section 22 of T146N, R88W, Mercer County. This property is owned by the Coteau Properties Company and consists of 183.2 acres of reclaimed native grassland that includes two stock ponds totaling 1.2 acres, and 158.63 acres that were not affected by mining activities. This bond release application includes approximately 303 acres of leased federal coal OSMRE concurrence for this bond release was received on September 29, 2023.

The bond release will become effective January 2, 2024, unless a formal hearing is requested. The consolidated bond amount at the Freedom Mine will not be reduced due to continued mining and reclamation operations at the Freedom Mine.

Enclosed is a copy of the bond release award form and a copy of the application. If you have any questions, please contact this office.

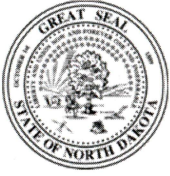
Sincerely,

Jonathan Emmer
Director
Reclamation Division

Enclosures

cc via email only w/o enclosures: John Sieving (jsieving@osmre.gov)

Freedom Mine\Permits\NACT - 9501\Bond Release\Bond Release 3\BR3_AL_11-29-23



Public Service Commission

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Sheri Haugen-Hoffart
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Ms. Carmen Reed
Mercer County Auditor
PO Box 39
Stanton, ND 58571
careed@nd.gov

Dear Ms. Reed:

This is to inform you of the Commission's November 29th approval of Bond Release No. 3 to Surface Coal Mining Permit NACT-9501 at the Freedom Mine, PSC Case No. RC-22-285. Final bond release has been approved for 343.03 acres of land located in a portion of Section 22 of T146N, R88W, Mercer County. This property is owned by the Coteau Properties Company and consists of 183.2 acres of reclaimed native grassland that includes two stock ponds totaling 1.2 acres, and 158.63 acres that were not affected by mining activities.

The bond release will become effective January 2, 2024, unless a formal hearing is requested. The consolidated bond amount at the Freedom Mine will not be reduced due to continued mining and reclamation operations at the Freedom Mine.

Enclosed is a copy of the bond release award form. If you have any questions, please contact this office.

Sincerely,

Jonathan Emmer
Director
Reclamation Division

Enclosure

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Coteau Properties Company
Bond Release No. 3, Permit NACT-9501
Application

Case No. RC-22-285

**RELEASE OF BOND
FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS**

November 29, 2023

Based on the application for **Bond Release Number 3 for Surface Coal Mining Permit NACT-9501**, dated June 29, 2022, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. Attached to the application for release of bond were copies of all letters sent by the Permittee as required by NDCC §38.14.1-17(1)(b). Affidavits of publication for the advertisement required by NDCC §38.14.1-17(1)(a) have been filed and have been made part of the application for release of bond. The last date of publication was June 22, 2023.
2. On September 28, 2022, the Commission conducted an inspection and evaluation of the reclamation work involved in this bond release as required by NDCC §38.14.1-17(3). The surface owners, agents, or lessees were given notice of the bond release inspection and had the opportunity to participate with the Commission in conducting the inspection of the bond release areas at the Freedom Mine.

In accordance with NDCC §38.14.1-17, Bond Release No. 3 for Surface Coal Mining Permit NACT-9501 is hereby granted to the Coteau Properties Company effective January 2, 2024, unless a formal hearing is requested. No monetary release is being requested since the current bond amount is based on the worst-case reclamation condition in a consolidated bond area that includes this permit and others at the Freedom Mine. The area is described by metes and bounds descriptions and is generally as follows:

**A portion of W½ and the SW¼SE¼ of Section 22, T146N, R88W,
Mercer County, releasing all reclamation liabilities on 343.03 acres.**

The decision to release all remaining bond on this acreage is made for the following reasons:

The Coteau Properties Company has met the requirements of the reclamation law and rules administered by the Commission for successfully reclaiming 183.2 acres of native grassland that includes two stock ponds totaling 1.2

acres. The bond release application contains 158.6 acres of land that was not disturbed by mining and reclamation activities. The vegetation success standards and all other applicable performance standards have been met to the satisfaction of the Commission. The acreage included in this bond release is subject to the 1979 reclamation law.

IMPORTANT – PLEASE READ

1. If bond release has been approved, actual release of bond shall not occur until the effective date of this decision. If a formal hearing is requested on this bond release decision by a person with a valid legal interest or by the head of any state or local government agency with appropriate jurisdiction, the actual release of bond may not occur until after a final decision is issued following the formal hearing. A request for formal hearing by any such person must be filed with the Public Service Commission within 30 days of this bond release decision.
2. If bond release has been disapproved or if you are unsatisfied with the amount of bond approved for release, you have the right to request a formal hearing regarding this decision by filing an application for a hearing with the Public Service Commission within 30 days of the date of this decision.

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Randy Christmann
Chair


Julie Fedorchak
Julie Fedorchak
Commissioner

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